DURHAM PUBLIC SERVICE COMPANY *v.* CITY OF DURHAM.

ERROR TO THE SUPREME COURT OF THE STATE OF NORTH CAROLINA.

No. 251. Argued January 19, 1923.—Decided February 19, 1923.

1. A contract between a city and a street railway company should not be allowed to exempt the latter from future liability for paving the portions of streets occupied by its tracks unless such exemption be plainly expressed. P. 151.

---

[1] "Sec. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute